

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

DOYLE “ROCKY” BROWN,

Plaintiff,

vs.

No. CIV 08-453 JCH/RLP

**BRENT MCGILL and
MUELLER SUPPLY COMPANY, INC.,**

Defendants.

**MEMORANDUM OPINION and ORDER
GRANTING DEFENDANTS’ MOTION TO EXTEND DEADLINE
TO DISCLOSE EXPERT WITNESSES, AND AMENDING ADDITIONAL DEADLINES**

THIS MATTER comes before the court on Defendants’ Motion to Extend Deadline to Disclose Expert Witnesses. {Docket No. 35}.

Defendants seek to extend the deadline for expert witness disclosures until two weeks after the completion of the deposition of Plaintiff’s expert, Dr. Orrin McLeod. Dr. McLeod’s deposition is currently scheduled for August 14, 2009. (Docket No. 36, p. 2). In their Reply Brief, Defendants clarify that they are seeking this extension only to the extent they would identify an expert to rebut the testimony of Dr. McLeod. (Docket No. 38, p. 2).

Plaintiff objects to this extension unless it is coupled with an extension of all discovery deadlines, arguing that he “has no idea how many expert witnesses Defendants will disclose, the location of each expert, the availability of each expert, or the subject matter or content of each expert report” and that “[b]ased upon the substance of each experts’ testimony, Plaintiff may need to conduct further factual discovery of witnesses who have not been deposed, seeks to obtain documents or obtain information through Interrogatories and/or Requests for Production.” (Docket No. 36, p. 2).

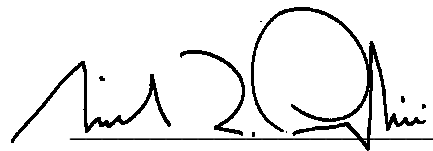
Discovery in this matter is scheduled to terminate on August 24, 2009. Motions related to discovery are due September 2, 2009. Pretrial and other motions are due October 12, 2009. Trial in this matter is scheduled for March 15, 2010.

I find that Defendants' Motion is well taken and should be granted. I further find that Plaintiff are entitled to adequate time to depose any witnesses so identified.

IT IS THEREFORE ORDERED as follows:

1. Defendants' deadlines to identify and serve expert witness reports for any witness rebutting the testimony of Plaintiff's expert, Dr. Orrin McLeod is extended to August 28, 2009.
2. Discovery shall remain open through October 1, 2009 for the purpose of deposing any witness(es) so identified by Defendants.
3. The deadline for filing motions related to discovery is extended to October 15, 2009.
4. The deadline for filing Pretrial and other motions is extended to October 29, 2009.

IT IS SO ORDERED.



Richard L. Puglisi
United States Magistrate Judge